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CENTRAL FAX CENTER

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Serial Number 10/680,426

## AMENDMENTS TO CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A surgical instrument, comprising:

a member made of a shape memory alloy arranged to be inserted into a patient, wherein when irrigation fluid having a temperature several degrees higher than a body temperature of said patient but not high enough to cause harm to a patient is caused to flow past said member of said member is changed to have a temperature higher than a body temperature of the patient, following insertion of the member into the patient, the member assumes a predetermined shape to perform a surgical function, and

wherein the shape assumed by the member is a coil shape, the member thereby serving as a urological retrieval coil.

2. (Canceled)

3. (Currently Amended) A surgical method, comprising the steps of inserting a surgical instrument made of a shape memory alloy into a patient; and causing the surgical instrument to assume a predetermined shape by changing a temperature of the surgical instrument to causing irrigation fluid having a temperature several degrees higher than a body temperature of the patient but not high enough to cause harm to the patient to flow past the instrument following insertion of the surgical instrument into the patient, wherein the shape assumed by the member is a coil shape, the member thereby serving as a urological retrieval coil.

4. (Canceled)

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5. (Previously Presented) The surgical instrument of claim 1, wherein a distal end of the surgical instrument is caused to bend and/or twist into said coil shape when the temperature of the shape memory alloy is increased above its austenitic transition temperature.

6. (Previously Presented) The surgical instrument of claim 5, wherein the austenitic transition temperature of the shape memory alloy is adjusted to be several degrees above the typical temperature of a human body (98.6 degrees F).

7-12. (Canceled)

13. (Previously Presented) The surgical method of claim 3, wherein a distal end of the surgical instrument is caused to bend and/or twist into said coil shape when the temperature of the shape memory alloy is increased above its austenitic transition temperature.

14. (Previously Presented) The surgical method of claim 13, wherein the austenitic transition temperature of the shape memory alloy is adjusted to be several degrees above the typical temperature of a human body (98.6 degrees F).

15-17. (Canceled)